

Appl. No. : 09/847,759
Filed : May 2, 2001

IN THE CLAIMS:

Please cancel Claims 54 and 55 without prejudice or disclaimer.

Please amend Claim 56 as follows:

Ds 56. (Amended) A shelf structure configured to rest on and engage a shelf, the shelf structure comprising:

a front member and at least one other member rearwardly spaced from the front member and, together with the front member, defining a first plane and configured to support additional shelving above the first plane;

a framework defining a second plane; and

at least one support connecting at least the front member and the framework,

wherein at least a portion of the framework extends at least forward of a projection of the front member thereon with a stop in a direction from the second plane with at least a component toward the first plane; and

members on the front and other members configured to fix the framework under another structure.

Appl. No. : 09/847,759
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COMMENTS

Claims 1-20, 22-24, 26-37, 39, 49-53, and 56-62 remain pending in the present application, Claims 54 and 55 having been canceled without prejudice or disclaimer and Claim 56 having been amended.

The claims set forth above include bracketing and underlining showing changes made to the claims relative to the issued patent, deletions shown in [bracketing] and additions shown in underlining relative to the issued claims of the present Re-issue Application.

Declaration Under 37 C.F.R. § 1.175(B)(1)

The pending claims stand rejected under 37 C.F.R. § 1.175(b)(1) based on the requirement for a supplemental declaration. Applicant will file a supplemental declaration as requested by the Examiner.

Claim 56 Is In Condition For Allowance

The Examiner indicated that Claim 56 would be in condition for allowance if amended into independent form. Thus, Applicant has amended Claim 56 into independent form. Claim 56 is now in condition for allowance.

Objection To The Drawings

The drawings stand objected to under 37 C.F.R. § 1.83(a), the Examiner's position being that the drawings do not show certain features identified in the Office Action pertaining to Claims 24, 30-35, 51, 52, and 57-61. Applicant submits that since the identified terms of these claims are specifically and explicitly disclosed in the present specification, no drawing corrections are necessary. However, in order to expedite prosecution of the present application, Applicant has submitted herewith a proposed change to Figure 1, with the proposed changes indicated in red ink, and proposed new Figures 3-5.

With respect to the objection to the drawings based on the term "threaded fastener(s)" in Claims 24, 35, 51, and 59, Applicant has included schematic representations of threaded fastener(s), identified by the reference numeral 15, in new Figure 3 and has amended the paragraph beginning at line 52, column 2 of the present Application to include a reference to threaded fastener(s) 15.

Appl. No. : 09/847,759
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With respect to the objection to the drawings based on the phrase "a substantially horizontally shelf," appearing in Claim 30, Applicant submits that proposed new Figures 3-5 all schematically illustrate the cooler shelf, identified by the reference letter S, as being horizontal.

In response to the objection to the drawings based on the phrase "the shelf is adjustably mounted," appearing in Claim 31, Applicant has proposed new Figure 4 schematically illustrating the cooler shelf S having a clip that fits into notches. This illustration corresponds to the disclosure at column 1, lines 44-50 wherein it is disclosed that

Shelves in Visi-Coolers, walk-in coolers and other places often are set in their structures by clips that engage notches that progress at intervals vertically at the corner of the shelves. In such arrangements, it is often a simple matter to set the clips for the fronts of the shelves to a notch or two lower than the clips for the rears of the shelves to provide a desired incline.

In response to the objection to the drawings based on the phrase "the rack is narrower than the shelf," appearing in Claim 32, Applicant has submitted proposed new Figures 3 and 5, both of which show the rack 16, in front and rear elevational views, respectively, as being narrower than the cooler shelf S.

In response to the objection to the drawings based on the phrase "a clearance is defined between a lower surface of the shelf and an upper surface of the support assembly," appearing in Claim 33, and similarly in Claim 34, Applicant has proposed new Figure 5 which illustrates this clearance.

In response to the objection to the drawings based on the phrase "apertures," "the first and second apertures," and "third and fourth apertures," Applicant has proposed changes to Figure 1 showing holes 11 on the panels 10e, 10f, as well as new Figure 3 which includes holes 11 illustrated in phantom. Additionally, Applicant has submitted an amendment to paragraph beginning at line 52, column 2, to include references to the holes 11

Claims 20, 54 And 55 Do Not Violate 35 U.S.C. § 251

Claims 54 and 55 stand rejected under 35 U.S.C. § 251 as improperly recapturing subject matter surrendered during the prosecution of the patent upon which the present Reissue Application is based. Applicant respectfully traverses this rejection. However, in order to expedite prosecution of the present Application, Applicant has cancelled Claims 54 and 55. Thus, the present rejection is

Appl. No. : 09/847,759
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moot. Applicant respectfully reserves the right to further prosecute Claims 54 and 55 through a continuation practice.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

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